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U.S. DISTRICT JUDGE
S.D.N.Y.

April 28, 2008

VIA FACSIMILE

Hon. Harold Baer, Jr.

United States District Court

United States Courthouse

500 Pearl Street

New York, New York 10007-1312

Re: Bejjani v. Manhattan Sheraton Corporation, et al.
07-CV-10729 (HB)

Dear Judge Baer:

This firm represents the New York Hotel and Motel Trades Council, AFL-CIO, a defendant in the above entitled matter ("Union"). We just received, via e-mail, a copy of letter, dated April 28, 2008, addressed to Your Honor from Robert N. Felix, plaintiffs' attorney. By his letter, Mr. Felix informs the Court that plaintiffs will be moving to disqualify this firm from representing the Union. Mr. Felix claims that the motion is necessary because of the need to call a partner of the firm as a fact witness.

We wish to inform Your Honor that this firm is presently preparing a motion to dismiss the second amended complaint ("Complaint") pursuant to Rules 12 (b)(1) and (6) of the Federal Rules of Civil Procedure. The motion, based upon allegations contained in the Complaint as well as documents referenced therein, will reveal that plaintiffs' claims against the Union are not warranted by existing law and are completely devoid of merit. We are writing, therefore, to advise Your Honor that plaintiffs' declared intention of filing a disqualification motion is premature since we submit that fact witnesses will not be needed.

In accordance with the parties' stipulated agreement, defendants have until May 7, 2008 to answer or otherwise move with respect to the second amended complaint ("Complaint").

Respectfully,

Bruce J. Cooper

cc: Robert N. Felix, Esq. (via facsimile)

Michael Starr, Esq. (via facsimile)

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Harold Baer

Date: 4/29/08

My intent is to file a motion to dismiss the second amended complaint. I will file it by the end of the week. I will also file a motion to disqualify the plaintiffs' attorney. I will file it by the end of the week. I will also file a motion to disqualify the plaintiffs' attorney. I will file it by the end of the week.

Endorsement:

My view is that if the motion is fully briefed by the 5/22 pre trial conference that will be the time to discuss disqualification and that would make the case move more quickly.